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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,838	01/16/2002	Michael H. Gurin		1328

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Michael Gurin
Suite A
4132 Cove Lane
Glenview, IL 60025

EXAMINER

DUONG, FRANK

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/050,838	Applicant(s) GURIN, MICHAEL H.	
	Examiner Frank Duong	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,13,14,20,21,24-26,28-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,13,14,20,21,24-26,28-30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is a response to communications dated 01/12/07. Claims 1, 3, 13-14, 20-21, 24-26, 28-30 and 32-33 are pending in the application.

Drawings

2. The drawings were received on 01/12/07. These drawings are not approved because figures 1-4 and 6A-6C introduce new matters, i.e., elements 15-16 of figure 1; elements 7-9 of figure 2; elements 5 of figure 3; elements 35, 36 and 38 of figure 4; and tables in figures 6A-6C. These elements or tables were not originally presented in the specification. In addition, the proposed replacement of the drawings creates numerous inconsistencies in the original specification because of the aforementioned elements were not discussed in the original specification.

Specification

3. The amendment filed 01/12/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The newly added material which is not supported by the original disclosure is as follows:

In the drawings, elements 15-16 of Figure 1; elements 7-9 of Figure 2; elements 5 of Figure 3; elements 35, 36 and 38 of Figure 4; and tables in Figures 6A-6C are new matter.

In the abstract, the newly added limitations of "*extended caller identification system ...geographic location*" and "*time of day scheduling*" are new matter.

In the specification, the newly added description on page 9 pertaining newly added Figures 6A-6C is new matter.

Applicant is required to cancel the new matter in the reply to this Office

Action.

Claim Objections

4. Claims 14 and 26 are objected to because of the following informalities:

As per claim 14, line 1, the term "claim13" should be changed to --claim 13--.

As per claim 26, line 2, the term "device wherein" should be changed to --device, wherein--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 13-14, 20, 32 and 21, 24-25 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1, 3, 13-14, 20 and 32-33, there is no support in the original specification for the newly added limitation of “*the communication management system communicates to the wireless end-user communication device call identification system the unique wireless end-user communication device access number, call originator number and call terminator access number* (emphasis added).” In addition, there is no support in the original specification for a combination of a first embodiment of utilizing a look up table to establish a communications link between an originator and a terminator and a second embodiment of the communication management system communicates to a call identification system the wireless access number, the call originator access number and the call terminator access number in a manner as recited in the claims.

As per claim 32-33, there is no support in the original specification for the newly added claims.

As per claims 21, 24-25 and 30, there is no support in the original specification for the newly added limitation of “*communicate precise geographic location integrated with location context sensitive data to authorized parties* (emphasis added).”

(**Note:** Due to the problem discussed above, there is no art applied to determine the allowability of claims 1, 3, 13-14, 20, 32, 21, 24-25 and 30 at this time)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2616

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3, 13-14, 20, 21, 24-26, 28-30, and 32-33 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per independent **claim 1**, the claim is deemed to be indefinite for the following rationales:

While the claim recites a communication system, it fails to recite specific elements/means/limitations and a transitional phrase, i.e., comprises, comprising, including ...etc. An apparatus claims are normally drafted in a format starting out with "an apparatus" or "a system" following by a transitional phrase and a series of elements/means/limitation. In the present condition, the claim fails to set forth the metes and bounds of the claimed invention that the applicant seeks to protect.

The claim appears to be a run-on sentence or just recites a preamble of the claim.

The clause "*having a unique access number*" is vague. It is unclear whether it modifies the "*communication system*", the "*wireless end-use communication device*" previously recited or what.

The communication management system, recited on line 7, lacks of antecedent basis.

The wireless end-user communication device call identification system, recited on lines 7-8, lacks of antecedent basis.

The unit wireless end-user communication device access number, recited on lines 8-9, is vague. It is unclear whether it refers to "*unique access number*" recited on lines 2-3 or not. Should this be the case, the latter must be further amended to be consistent with that previously recited.

Dependent claims 3, 13-14, 20 and 32 variously depend from their indefinite parent claim 1.

As per independent **claim 21**, the claim is deemed to be indefinite for the following rationales:

While the claim recites a communication system, it fails to recite any specific elements/means/limitations following the transitional phrase "comprised of".

The term "*algorithm*" is commonly or normally referred to a mathematical formula, a computer program/software or step(s) of a method. Therefore, it is unclear what it is referred to in the "apparatus" claim 21. Perhaps Applicant should further amend the claim to include a router for performing the "*algorithm*."

The claim appears to be a run-on sentence or just recites a preamble of the claim.

Dependent claims 24-25 and 30 variously depend from their indefinite parent claim 21.

As per claim 26, the claim is deemed to be indefinite for the following rationales:

The term "*end-user communication device*" is recited twice on line 2 and once on line 3. It is unclear whether the latter recitations are the same as that previously recited.

If they are the same, the latter recitation should be further amended to include "the" or "said".

Line 4, the term "*the call original access number*" lacks of antecedent basis.

As per claim 28, the claim is indefinite for the following rationales:

The term "*the identification of call terminator access number*", recited on lines 1-2, lacks of antecedent basis.

The clause "*wherein the identification of call terminator access number end-user communication device*", recited on lines 1-2, is vague. It is unclear to what previously recited limitation the clause is modified.

Claims 28-29 and 33 various depend from their indefinite parent claim 26.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26, 28-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall in view of Tandon.

Regarding **claim 26**, in accordance with Bridgelall reference entirety, Bridgelall shows a communication system (*Figure 2*) comprised of end-user communication device (242) having WLAN and WWAN transceivers (*Figure 9; elements 902 and 924*), wherein end-user communication device has a unique access number (*SIM disclosed at*

col. 6, first paragraph). Bridgelall fails to further disclose a caller identification system (205) communicating to end-user communication device (242) both a call originator and the desired call terminator access numbers. However, such limitation lacks thereof from Bridgelall reference is well known and disclosed by Tandon.

In an analogous art, Tandon teaches a communications system comprising, among other things, the limitation of *"a caller identification system communicating to end-user communication device both the call originator and the desired call terminator access numbers"* (Tandon, page 22, paragraphs [00312] to [00313]) to provide an access network that provide the user more available bandwidth (Tandon, page 2, paragraph [0009]).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to implement Tandon's teaching into Bridge all's system to arrive the claimed invention with a motivation to provide an access network that provide the user more available bandwidth (Tandon, page 2, paragraph [0009]).

Regarding **claim 28**, in addition to features recited in base claim 26 (see rationales discussed above), Bridgelall in view of Tandon further teaches the management system extends the traditional caller identification systems by making known both the call originator and the desired call terminator, and serves multiple access numbers concurrently; in that said multiple access numbers are further handled as selected from the group of distinct ring to distinguish between a certain call terminator and others, routing to voice-mail, and screening-in and screening-out filters for process handling of communications link (see Tandon paragraphs [0244]-[0245],

[0262]-[0264] and [0312]-[0313]) to provide an access network that provide the user more available bandwidth (*Tandon, page 2, paragraph [0009]*).

Regarding **claim 29**, in addition to features recited in base claim 26 (see rationales discussed above), Bridgelall in view of Tandon further teaches ('027, *col. 15, lines 43-63*) an application/user can switch or roam to a specific network based on knowledge of the network physical location determined by an integrated GPS or RTLS using signal strength, time difference or arrival or angle of arrival or triangulation. The recitation thereat read on the claimed limitation in a manner set forth as claimed.

Regarding **claim 33**, in addition to features recited in base claim 26 (see rationales discussed above), Bridgelall in view of Tandon further teaches wherein identification of both call originator and call terminator minimizes non-prioritized interruptions and minimizes communications interactions (note: This claim adds limitation not support by the original specification. In the original specification on page 19, last paragraph continues to page 20, first paragraph, it is disclosed "*call terminator is a critical parameter in the determination of handling procedure establishing communications link.*" As a result, the "*unified communications system avoids undesirable interruption.*" Not in the manner as claimed. However, wherein clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited. See *Minton v. Nat'l Ass'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003). Thus, Bridgelall in view of Tandon discloses the claimed invention.

Response to Arguments

8. Applicant's arguments filed 01/12/07 have been fully considered but they are not persuasive.

In the Remarks of the outstanding response, on page 13, pertaining the replacement of the drawings, Applicant asserts no new matters are added.

Examiner respectfully disagrees and asserts that new matter has been attempted to be added as clearly pointed out in the Office Action. Applicant is reminded that the patent application is not that dynamic. The subject matters deviated from that originally filed cannot be introduced to overcome the outstanding rejection or as applicant desired.

Pertaining the art rejection, on page 18 of the response, Applicant argues the applied art fails to teach the newly added limitations of *"communication management system communicating to end-user communication device with prioritization dependent on all three access numbers of wireless end-user device, call originator, and call terminator."*

Examiner respectfully disagrees and assures that the Applicant argues base on limitation not fully support by the original specification or new matters.

Examiner believes an earnest attempt has been made in addressing all of the applicant's arguments. Due to the response fails to place the instant application in a better condition for allowance and the arguments are not persuasive, the rejection is maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



FRANK DUONG
PRIMARY EXAMINER

March 22, 07